

REMARKS

The Examiner has required the Applicant to elect to prosecute one of two groups of claims identified in the Office Action. In response to the restriction requirement, Applicant respectfully elects to prosecute the claims of Group I, corresponding to claims 1-17. This election is made with traverse as set forth hereinafter.

First, in the interest of equity and fairness, Applicant should be entitled to pursue claims that will fully protect the invention. It is believed that the restriction requirement is therefore unfair to the Applicant, because it will require the Applicant to file and bear the additional cost associated with filing a divisional application.

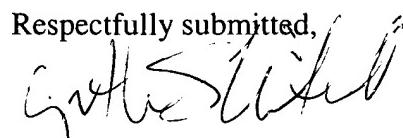
Second, as provided in 35 U.S.C. § 121, restriction to one of two or more claimed inventions is proper only if the inventions are “independent and distinct.” In its discussion of the propriety of restrictions, MPEP § 803 further provides that if search and examination of two or more inventions can be made without “serious burden,” the Examiner must examine them on the merits even if the claims are directed to distinct or independent inventions.

In the present case, Groups I and II, although not necessarily obvious in view of each other, are very similar in subject matter. More specifically, each pertains to the process for making and the apparatus for a high electrical and thermal performance ball grid array package. For at least the reason that both groups contain substantial portions of overlapping subject matter, Applicant respectfully submits that the inventions described in these claims are not “independent” as defined in MPEP § 803 and that the restriction requirement should therefore be withdrawn.

For at least the foregoing reasons, Applicant respectfully traverses the restriction requirement and respectfully requests the Examiner to examine all claims together.

However, if the Examiner decides not to rejoin the groups, Applicant expressly reserves the right to present the non-elected claims, or variants thereof, in a divisional or continuing application to be filed subsequent to the present application. Should the Examiner have any questions regarding this response, the Examiner is invited to telephone the undersigned at (970) 679-3136.

Respectfully submitted,



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